



सत्यमेव जयते

The Gujarat Government Gazette

EXTRAORDINARY

PUBLISHED BY AUTHORITY

Vol. LXIII]

SATURDAY, APRIL 30, 2022 / VAISAKHA 10, 1944

Separate paging is given to this Part in order that it may be filed as a Separate Compilation.

PART IV-C

**Statutory Rules and Orders (Other than those published in Parts I, I-A and I-L)
made by Statutory Authorities other than the Government of Gujarat
including those made by the Government of India, the High Courts, the
Director of Municipalities, the Commissioner of Police, the Director of
Prohibition and Excise, the District Magistrates and the Election
Commission, Election Tribunals, Returning Officers and other
authorities under the Election Commission.**

BY THE HIGH COURT OF GUJARAT AT AHMEDABAD

NOTIFICATION

No.C.2002/93

The Honourable the Chief Justice and Judges of this High Court have been pleased to make the following amendments in The Gujarat High Court Rules, 1993:-

1. Short title and commencement:-

- (i) These rules shall be called "Gujarat High Court (Amendment) Rules, 2022." (No.2 of 2022).
- (ii) They shall come into force from the date of notification published in the Government Gazette.

2. Insert Sub-Rule (9A) after Sub-Rule 9 of Rule 2 of Gujarat High Court Rules, 1993 that;

"(9A) Appeal under section 5C of the Cinematograph Act, 1952"

3. Insert Sub-Rule (9B) after Sub-Rule (9A) of Rule 2 of Gujarat High Court Rules, 1993 that;

"(9B) An appeal under Sections 28K of The Airports Authority of India Act, 1994."

4. Insert Sub-Rule (9C) after Sub-Rule (9B) of Rule 2 of Gujarat High Court Rules, 1993 that;

"(9C) Appeal under Sections 14 of the Control of National Highways (Land and Traffic) Act, 2002"

5. Substitute Sub-Rule (26) of Rule 2 of the High Court of Gujarat, 1993 as under;

"All the matters as provided under Section-7 of 'The Commercial Courts, Commercial Division and Commercial Appellate Division of High Courts Act, 2015' and applications filed under section 19A, 23, 31, 31A, 31B, 31C, 31D, 32 and 33A of the Copyright Act, 1957 excluding the Appeals as provided under Sub-section 1A of Section-13 of 'The Commercial Courts, Commercial Division and Commercial Appellate Division of High Courts Act, 2015' and Appeals filed under Section 37 of the Arbitration and Conciliation Act, 1996".

6. Insert **Sub-Rule (27)** after **Sub-Rule (26)** of **Rule 2** of Gujarat High Court Rules, 1993

"(27) Rectification Application under Section 27 of the Geographical Indications of Goods (Registration and Protection) Act, 1999 for cancellation or to vary registration and to rectify the register and Rectification Application under Section 58 of the Act in certain cases notwithstanding anything contained in section 27 of the Act. Appeal under section 31 of the Geographical Indications of Goods (Registration and Protection) Act, 1999."

7. Substitute Title of **Chapter XXIV** as under;

"APPLICATIONS & APPEALS UNDER THE COPYRIGHT ACT, 1957 (ACT XIV OF 1957)"

Substitute Rule 321 as under :

"321. Single Bench to hear applications & appeals under Copyright Act. — All Rectification Applications under section 50 and all Appeals under section 72 of the Copyright Act shall be filed in the Office of the Registrar and shall be heard and disposed of by a Single Bench."

In Rule 322, substitute the word **"72"**, for the existing word **"73"**.

In Rule 323, substitute the word **"72"**, for the existing word **"73"**.

8. Substitute **Chapter XXXIII** as under;

CHAPTER XXXIII

Rules Under the Trade Marks Act, 1999

These rules have already come into force with effect from 30.12.99 (Published in Govt. Gazette, Part-II Section 1, dtd : 30.12.99)

- 1. Definitions.**—In these rules—

(a) "the Act" means the Trade Marks Act, 1999.

(b) "The Registrar" means the Registrar of Trade Marks referred to in Section 3 of the Act and includes any Officer when discharging the functions of the Registrar in pursuance of sub-section (2) of Section 3 of the Act.

- 2. Title of application.**—All applications and appeals under the Act shall be instituted in the matter of the Act and in the matter of the Trade Mark.

- 3. Mode of Application.**—All applications and appeals under the Act shall be made by petition supported by affidavit and shall be presented to the High Court.

- 4. Disposal by Judge.**—The Court may either accept the petition and direct notice thereof to the opposite party or may reject it summarily or may make such order as the circumstances of the case may require.

- 5. Service on Registrar.**—All applications to the Court whether by way of appeal or otherwise shall be served on the Registrar who shall have a right to appear and be heard and shall appear if so directed by the Court.

- 6. Record of the case in Appeal.**—In all contested Appeals from the decision of the Registrar the petitioner and the respondent shall furnish to each other within 2 weeks from the date of the filing of the affidavit in reply a list of documents forming part of the record of the case before the Registrar on which they rely for the purpose of the hearing of the appeal. The Petitioner shall prepare a duly indexed compilation of the documents relied upon by either side and furnish a copy thereof to the Court and to the other side.

- 7. Reference under section 125.**— Where the Registrar makes a Reference to the High Court under section 125 of the Act, he shall forward the same to the High Court **Registrar** and shall give notice of the fact to the parties concerned. He shall also supply to the **Registrar** of the High Court the postal addresses of all persons concerned in the Reference. After the Reference is received, the **Registrar** of the High Court shall fix a date for the hearing of the same and shall put it on the board of the concerned Honourable Court on such date for disposal. Seven days notice of the day so fixed shall be given by the **Registrar** of the High Court to the Registrar of Trade Marks and to the parties concerned by sending the notice by registered post.

8. **Procedure for withdrawal of application under section 133(2)** — Where under section 133(2) of the Act, an applicant intends to withdraw his application, he shall give notice thereof in writing to the Registrar of Trade Marks and to other parties, if any, to the appeal within one month after leave referred to in that section has been obtained. He shall also give notice to the High Court who shall thereupon place the appeal in the board of the concerned Honourable Court for disposal.
 9. **Copy of judgment and order to be sent to the Registrar.**— A certified copy of every judgment and order made on any application or appeal under the Act shall be sent by the Registrar of the High Court to the Registrar of Trade Marks.
 10. **Notice How to be given.**— Unless otherwise provided by these rules, when notice is required to be given to any party by the Act or by these rules, it shall be served on such party in the manner provided for the service of a writ of summons in a suit.
 11. **Application of C.P. Code and Rules and Forms of the Court.**— In cases not provided for in the foregoing rules, the provisions of the Code of Civil Procedure, 1908, and the Rules and Forms of the Gujarat High Court Rules, 1993 shall apply mutatis mutandis to all proceedings under the Act.
9. In **Rule 4** of the Rules under the Patents Act, 1970 of **Chapter XXXIV** of the Gujarat High Court Rules, 1993,
 - (i) Substitute the word “**117A**” for the existing word “**116**”.
 - (ii) Substitute the word “**(1)**” for the existing word “**(i)**”.
 10. In **Rule 9** of the Rules under the Patents Act, 1970 of **Chapter XXXIV** of the Gujarat High Court Rules, 1993,
 - (i) Substitute the word “**1980**” for the existing word “**1967**”.
 11. In **Rule 10** of the Rules under the Patents Act, 1970 of **Chapter XXXIV** of the Gujarat High Court Rules, 1993,
 - (i) Substitute the words “**117A of the Act**” for the existing words “**116 of the**”.
 12. Insert **New Chapter XXXV** as under;

CHAPTER XXXV

Rules Under the Protection of Plant Varieties and Farmers’ Rights Act, 2001

1. These rules may be called the Protection of Plant Varieties and Farmers’ Rights (Gujarat High Court) Rules, 2022.
2. They shall come into force on the date of their publication in the Gujarat Government Gazette.
3. In these rules, unless there is anything repugnant to the subject or context :-
 - (a). “Act” means the Protection of Plant Varieties and Farmers’ Rights Act, 2001
 - (b). “High Court” means the High Court of Gujarat
 - (c). “Judge” means a Judge of the High Court of Gujarat
 - (d). “Authority” means the Protection of Plant Varieties and Farmers’ Rights Authority established under sub-section (1) of section 3;
 - (e). “Registrar” means a Registrar of Plant Varieties appointed under sub-section (4) of section 12 and includes the Registrar-General;
 - (f). “Registrar General” means the Registrar-General of Plant Varieties appointed under sub-section (3) of section 12;
 - (g). The “Court” means the Court presided over by the Judge as may from time to time, be specified by the Chief Justice of the High Court.
 - (h). All other words and expressions used in these rules but not defined herein shall have the same meanings respectively assigned to them in the Act.
4. All appeals under section 56 of the Act shall be filed within 90 days from the date of order or decision of the Authority or Registrar, heard and disposed of by the Court. Such appeal shall be in the form of

a appeal duly signed and verified and the appeal shall state the relevant facts, grounds of appeal and the reliefs prayed for and, unless the Court otherwise orders, shall be accompanied by a certified copy of the order appealed from. The court may in its discretion allow the appeal to be filed without the certified copy of such order subject to the certified copy being filed within such time as may be directed by the Court and on such terms as the Court thinks fit.

5. An appeal filed by farmer or group of farmers or village community as party-in-person(s) or through their advocate(s) shall not be liable to pay any fees including for inspection of any document or for obtaining a copy of any decision or order or document before the High Court under this Act.

Date: April 29, 2022

(Sd/-) Illigible,
I/C. Registrar General

